



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-40236-Q4Z4
Eich cyf/Your ref: P/2017/0727

Maes y Ffynnon
Penrhosgarnedd
Bangor
Gwynedd
LL57 2DW

Ebost/Email: northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 654147

By email only: planning_admin@wrexham.gov.uk

28/09/2017

Er sylw / For the attention of: Mared Rees

Annwyl / Dear Ms Rees,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

BWRIAD / PROPOSAL: CONVERSION, INCLUDING EXTENSIONS AND ALTERATIONS TO EXISTING BARN BUILDING TO FORM 2 SELF CONTAINED UNITS FOR FAMILY NEEDS, ERECTION OF DETACHED DOUBLE GARAGE WITH BAT LOFT ABOVE AND CONSTRUCTION OF NEW VEHICULAR ACCESS FROM OAK ROAD TO SERVE UNIT NO. 2

LLEOLIAD / LOCATION: HIGHER OAK, OAK ROAD, WREXHAM LL13 9RG

Thank you for consulting Natural Resources Wales (NRW) on the proposed development above, which was received on 10th of September 2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of conditions:

Condition 1: EPS: The submission and implementation of bat avoidance, mitigation and compensation measures, including those measures described in the bat report.

Condition 2: EPS: The submission and implementation of an external lighting/internal light spillage scheme.

Condition 3: EPS: The submission and implementation of a post construction bat monitoring and surveillance scheme.

Condition 4: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the Local Planning Authority.

Condition 5: The implementation of the proposed appropriate implementation of proposed amphibian Reasonable Avoidance Measures Scheme (RAMS) to the satisfaction of the local authority.

Condition 6: the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

European Protected Species – Bats

The submitted ecological survey report (Logan, A. (2017) Bat Mitigation Statement. Avian Ecology, Unpublished) identified the presence of the brown long-eared bats roosting at the proposed development site. We consider the submitted survey and assessment to be satisfactory for the purposes of informing the public decision making process.

The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales.

A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In addition,

- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the planning authority should not grant planning permission without having satisfied itself that the proposed development would either not have any adverse impact on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposal is likely to have an adverse impact on the bats present at this site and, therefore implementation of the proposal will to be subject a European protected species derogation licence.

The report proposes the dedicated provision of a compensatory bat roost. The report does not however, provide the detail of avoidance, mitigation or compensation measures required during and post construction.

We consider that the development is not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of bats present at the proposed development site. However, we advise that any consent is subject to the imposition of the following planning conditions or obligations:

Condition 1: EPS: The submission and implementation of bat avoidance, mitigation and compensation measures, including those measures described in the bat report.

We request that any planning permission includes a suitably worded planning condition requiring of bat avoidance, mitigation and compensation measures, including those measures described in the bat report to be set out in a method statement and approved to the satisfaction of the LPA.

Condition 2: EPS: The submission and implementation of an external lighting/internal light spillage scheme.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with details of an external lighting/internal light spillage scheme.

Condition 3: EPS: The submission and implementation of a post construction bat monitoring and surveillance scheme.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with details of a post construction monitoring and surveillance scheme (to the satisfaction of the local authority).

Condition 4: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the Local Planning Authority.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the bats on this site, you would need a revised bat report that takes account of such changes. Please consult us again if any updated or revised bat report concludes that the proposal is more likely to have an adverse impact on the bat population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

European Protected Species – Great Crested Newts

The applicant's Amphibian Reasonable Avoidance Measures Method Statement (Logan, A. (2017) Amphibian Reasonable Avoidance Measures Method Statement. Avian Ecology. Unpublished) considered the presence of Great Crested Newts (GCNs). The proposed site is located within the environs of Wrexham Industrial Estate, which is considered to support a nationally important population of the species.

We consider that it is possible that the GCN utilize the site for foraging, dispersal or sheltering purposes. The proposal therefore has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places.

The Great Crested Newt (GCN) and its breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

In our view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the extant GCN population.

However, we advise that any consent is subject to the imposition of the following:

Condition 5: EPS: a requirement that the applicant implement the Amphibian Reasonable Avoidance Measures Scheme (RAMS) proposed in their Amphibian Reasonable Avoidance Measures Method Statement (Logan, A. (2017) Avian Ecology. Unpublished) to the satisfaction of the local authority.

We would advise that the RAMs implemented include the erection of a 1-way amphibian fence, prior to and throughout the duration of construction operations.

Owing to its protected status, we advise that works must immediately stop in the unlikely event that one or more great crested newts being found within working areas.

Works may only resume on receipt of a derogation licence issued by NRW under Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended).

Ecological Compliance Audit

In addition to the above conditions relating to European Protected Species, we advise that any future consent includes the imposition of the following:

Condition 6: the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPIs) that are to be used for the purposes of assessing and evidence compliance.

Foul Drainage

We note that the location of the proposal is not in a mains sewer area and that the applicant plans to connect to an existing septic tank for foul drainage. It should be ensured that the existing tank is in a good state of repair, regularly desludged and of sufficient capacity to deal with any increase in flow and loading which may occur because of this proposal.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

A handwritten signature in dark ink, appearing to be 'Holly Tomlinson', written in a cursive style.

Holly Tomlinson

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales